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May 16, 2007

FILED VIA ECF

Hon. William D. Wall
U.S. Magistrate Judge
U. S. District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

Re: Chambers, et al. v. SCO Family of Services
Index No.: 06-1275 (DRH) (WDW)

Dear Judge Wall:

We represent the Defendant, SCO Family of Services, in the above-referenced matter. We write to inform you of developments regarding the named Plaintiff, Malcolm Chambers. A discovery conference is scheduled for June 6, 2007. Your Honor issued an Order on January 16, 2007, ordering that discovery, including the depositions of the named Plaintiffs be completed by May 31, 2007. We have attempted to schedule the depositions on numerous occasions. Plaintiff's counsel first stated he had lost contact with Chambers, and that perhaps he had moved without providing them with any new contact information.

After it became evident that informal attempts to schedule Mr. Chambers' deposition were futile on May 17, 2007, Defendant served a notice to depose Mr. Chambers for tomorrow, May 17, 2007. Yesterday, at the deposition of Plaintiff Kimberly Reeves, counsel for Plaintiff informed Defendant that Mr. Chambers was incarcerated. Counsel for Plaintiff was unable to provide any further information regarding Chambers, stating that he had only recently heard of the incarceration from Mr. Chambers' "girlfriend." At this time, counsel for Chambers cannot provide us with the location of Mr. Chambers' incarceration, the offense for which he was incarcerated, and any information regarding the availability of Mr. Chambers for his deposition.

As it would be futile to open Mr. Chambers' deposition tomorrow only to close it upon his non-appearance, we have written Plaintiff's counsel and demanded information regarding Mr. Chambers' incarceration, as follows:

1. Mr. Chambers' location of incarceration;



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2. Whether Mr. Chambers can be deposed at this institution;
3. A proposed date for his deposition; and
4. Any necessary details in order to depose Mr. Chambers at this facility, including any security measures and/or forms that need to be completed prior to gaining entry to the facility.

We have further advised counsel for Plaintiff Chambers that if we do not receive this information, within sufficient time to comply with your discovery scheduling order, we will move the Court to have Mr. Chambers excluded from this action.

Respectfully,

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to be "S. Roberts", written over the printed name "Craig S. Roberts".

Craig S. Roberts

CSR:bc

cc: Fran L. Rudich, Esq. (via ECF)
Brian L. Bromberg, Esq. (via ECF)